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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Concluding Observations of the Human Rights Committee

DENMARK

1. The Committee considered the third periodic report of Denmark (CCPR/C/64/Add.11) at its 1533rd and 1534th meetings, held on 22 October 1996 and adopted 1/ the following comments:

A. Introduction

2. The Committee expresses its appreciation to the State party for its elaborate and comprehensive report, which has eventually been prepared in accordance with the Committee's guidelines, and for engaging through a delegation with first-hand knowledge of the different subjects under discussion, in an extremely constructive dialogue with the Committee.

3. It notes with satisfaction that the information submitted in the report and that provided by the delegation in reply to both written and oral questions, enabled the Committee to obtain a thorough view of Denmark's actual compliance with the obligations undertaken under the International Covenant on Civil and Political Rights and the improvements implemented since the consideration of the second periodic report. The Committee regrets, however, that the third periodic report, which was due in 1990, was considerably delayed in its submission.

1/ At its 1556th meeting (fifty-eighth session) held on 6 November 1996.

B. Positive aspects

4. The Committee notes, with appreciation, the high level of achievement in the respect for human rights in Denmark. Among the positive developments that have been realized since the consideration of the second periodic report in 1987, the Committee notes the ratification of the Second Optional Protocol to the Covenant on the abolition of the death penalty, the revision of various legislative texts, the increased jurisdiction recently granted to the Ombudsman and the establishment at a national level of a number of human rights institutions - namely the Danish Centre for Human Rights, the Equal Status Council and the Racial Equality Board - with a view to reinforcing protection of civil and political rights and to promoting greater public awareness of the provisions of the Covenant and the Optional Protocols.

5. The publication by the Ministry of Justice of a new periodical on EU law and human rights with a view to ensure a wider knowledge of the interpretation and application of human rights provisions of international treaties in the Danish courts is welcomed. The organization, on a standing basis, of human rights training courses for members of the police and other law enforcement officials is also a positive development.

6. The Committee notes with satisfaction the measures adopted by the Danish Government in order to ensure that ethnic and linguistic minorities enjoy the rights set forth in the Covenant without discrimination.

7. The Committee commends the introduction of a new system to investigate complaints against the police and the increased funding for its operation. It looks forward to receiving the results of the new jurisdiction.

8. The Committee takes note of the declaration by the delegation to the effect that the text of the Covenant would be shortly translated into Greenlandic.

9. The Committee commends the legal and administrative measures taken to promote equal enjoyment of women's rights.

C. Factors and difficulties impeding the application of the Covenant

10. The Committee finds that there are no particular factors or difficulties which may impede the effective implementation of the Covenant's provisions by the Kingdom of Denmark, except for the continued maintenance of Denmark's reservations to certain provisions of the Covenant.

D. Principal subjects of concern

11. The Committee is concerned at the fact that the Covenant, unlike the European Convention on Human Rights and Fundamental Freedoms, has not yet been given the status of domestic legislation, considering in particular that the Covenant guarantees a number of human rights which are not protected under the European Convention and that permissible restrictions are less broadly based.

12. The Committee notes that the reservations entered by Denmark upon ratification of the Covenant with respect to a number of provisions have an adverse effect on the full implementation of the Covenant. Consideration ought to be given to the withdrawal of some, or all, of these reservations.

13. The Committee further notes that the requirements referred to in article 9, paragraph 3, of the Covenant, are not fully met.

14. The Committee also expresses its concern with the methods of crowd control employed by the police forces, including the use of dogs, against participants in various demonstrations or gatherings which, on certain occasions, have resulted in the serious injuries to persons in the crowds, including bystanders.

15. The Committee is concerned at the long delay in resolving the dispute arising from the claim for compensation by the members of the indigenous minority of Greenland in respect of their displacement from their lands and loss of traditional hunting rights on account of the construction of the military base at Thule. It is also concerned that the people of Greenland are not able to enjoy fully certain Covenant rights and freedoms, including those provided for in article 12.

16. The Committee regrets the paucity of information about the Covenant and its implementation in the Faroe Islands.

E. Suggestions and recommendations

17. The Committee recommends that the State party take appropriate measures to ensure the direct application of the provisions of the Covenant into domestic law.

18. The Committee also recommends that the Government review the continuing need for any reservation, with a view to withdrawing them.

19. The Committee suggests that further consideration and amendments be made to the regulations, last reviewed in 1992, concerning residence and other conditions for reunification of families both of alien immigrants and refugees so as more fully to give effect to articles 23 and 24 of the Covenant.

20. The Committee further recommends that consideration be given to the revision of the existing regulations concerning the length of the pre-trial detention and that of solitary confinement in accordance with the Committee's General Comment No. 8 (16) and its jurisprudence.

21. The Committee urges the Government of the State party to further the training of the police forces in methods of crowd control and of handling offenders, including those suffering from mental disorder; and to keep these issues constantly under review. The Committee recommends that the authorities reconsider the use of dogs in crowd control.

22. The Committee emphasizes that further measures should be taken to ensure that the provisions of the Covenant are more widely disseminated, particularly among the legal profession and members of the judiciary.

23. The Committee strongly recommends that the reporting obligations of the State party under article 40 of the Covenant be strictly observed and that the fourth periodic report be submitted within the time-limit to be determined by the Committee.